

AMENDED IN SENATE APRIL 24, 2001

AMENDED IN SENATE APRIL 4, 2001

SENATE BILL

No. 1071

Introduced by Senator Machado

February 23, 2001

An act to amend Section 11113 of, and to add Section 1674.1 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1071, as amended, Machado. Adult driver improvement program: driver instructor training.

(1) Existing law requires the Department of Motor Vehicles to establish and develop criteria for the approval of driver improvement courses specifically designed for the safe driving needs of drivers who are 55 years of age or older.

This bill would require the department to establish standards and develop criteria for the approval of driver improvement courses specifically designed for the safe driving needs of drivers who are 18 years of age or older, which shall be known as the adult driver improvement program, consisting of driver education curriculum and behind-the-wheel training instruction. The bill would require the department to issue certificates of completion to persons who complete the program through licensed driving school instruction and, if funding is available, would require the department to investigate driving schools providing instruction in the program.

(2) Existing law requires the Director of the Department of Motor Vehicles to prescribe rules and regulations for driving schools.

This bill would require the department, in consultation with ~~the Driving School Association of California~~ *representatives of driver education programs and any other appropriate groups*, to develop standards and criteria for a ~~driving~~ driver instructor training program that is 60 hours in duration with specified components.

The bill would require the department to authorize persons or organizations to conduct the instructor training program described above.

Because, under existing law, a violation of the driving school provisions is a crime, this bill would impose a state-mandated local program by changing the definition of a crime.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) There is a growing worldwide awareness and concern
4 regarding the collision, conviction, and fatality rates of new
5 drivers of all ages.

6 (b) According to the Director of the National Highway Traffic
7 Safety Administration, lives can be saved by simply preventing
8 motor vehicle crashes, and that can be achieved by changing driver
9 behavior.

10 (c) Ninety-two percent of highway crashes are caused by driver
11 error.

12 (d) Traffic safety researchers believe that there must be a
13 concentrated focus on the human factors that cause highway
14 crashes.

15 (e) The focus on human practices inside the motor vehicle
16 bring some crash experts to interpret it as tacit acknowledgement
17 that today's vehicles are about as safe as technologically possible
18 and future reductions in traffic deaths must focus on the driver.



(f) According to a June 2000 media report, distracted drivers are the number one cause of crashes, and 45 to 50 percent of all crashes are caused by distractions. Twenty-nine percent of all crashes are caused by distractions through the use of cell phones, 29 percent from eating, and 26 percent from reaching for something. Other distractions include drinking coffee, putting on makeup, adjusting the radio, reading, and distractions caused by children. The Network for Employers for Traffic Safety report that crashes from distractions account for a forty billion dollar (\$40,000,000,000) annual cost.

(g) A survey by the National Highway Traffic Safety Administration found that 60 percent of drivers are more afraid of being hurt because of a crash caused by an aggressive driver than of being a crime victim.

(h) Congestion and driver frustration on California highways has been exacerbated by a population growth of 10,000,000 during the last 20 years, a 10,000,000 increase in vehicles, a 6,000,000 increase in licensed drivers, a nearly doubling of roadway traffic from 90,000,000,000 to 160,000,000,000 vehicle miles a year, and only a modest increase in new lane-miles constructed, amounting to only 16 percent.

(i) California's culture is the most complex in the history of humankind with its people speaking 224 different languages. Demographers believe that the state can expect about 6,000,000 more people each decade, driven primarily by foreign immigration estimated at 300,000 persons annually. This growth rate would put California's population at 50,000,000 by 2025.

(j) During 1999, 20 percent of all traffic-related fatalities involved pedestrians, with children particularly vulnerable.

(k) According to an auto club study, since the implementation of California's graduated licensing system for minors, reflected in the Brady-Jared Teen Driver Safety Act of 1997, as set forth in Section 12814.6 of the Vehicle Code, teen passenger deaths and injuries, when 16-year-olds are behind the wheel, declined 21 percent statewide from July 1, 1998, through 1999, while the reduction in deaths and injuries in Los Angeles County decreased 34 percent. Deaths and injuries of 18 to 19 year olds, not included in the new graduated licensing system law, increased 5 percent. The number of fatal and injury crashes where 16-year-old drivers were at fault declined 20 percent.

1 (l) Graduated licensing systems that apply to newly licensed
2 drivers of all ages that restrict new driver exposure to “low-risk”
3 situations until driving performance improves through
4 experience, offers the greatest potential to reduce new driver
5 collisions, fatalities, injuries, and property damage.

6 (m) The National Highway Traffic Safety Administration and
7 the American Association of Motor Vehicle Administrators have
8 developed a list of recommended components for graduated driver
9 licensing systems based on a three-level system which includes
10 basic and advanced driver education.

11 (n) Seniors are the fastest growing group of drivers in the
12 United States and studies have found that they are more likely to
13 be at fault in car crashes and are twice as likely to die from car crash
14 injuries.

15 (o) The AAA Foundation for Traffic Safety reports that one in
16 every five fatal car crashes in the United States each year involves
17 a driver who does not have a valid license or whose license status
18 is unknown to law enforcement. The foundation reports that 8,400
19 people die on average each year in crashes with unlicensed drivers.
20 It also found that 25 percent of the lawbreaking drivers had
21 received three or more license suspensions or revocations in the
22 three years prior to their fatal collision. High risk jurisdictions
23 include the District of Columbia, Arizona, California, and Hawaii.

24 (p) According to driver training specialists, today’s
25 better-engineered cars that travel faster and quieter lull drivers into
26 a false sense of security because drivers aren’t aware of how fast
27 they are traveling. The faster a vehicle is traveling, the more the
28 driver needs improved skills to control that vehicle.

29 (q) According to a 1999 study by the congressional General
30 Accounting Office, sustained public education and vigorous
31 enforcement of strong laws requiring the revocation of driver’s
32 licenses are effective in influencing driver behavior.

33 (r) Due to vehicular fatalities among young children riding
34 inside the vehicle, the Commissioner of the California Highway
35 Patrol believes that parents must be better educated to use vehicle
36 safety restraints for their children.

37 (s) Persons age 18 years and older should be encouraged to
38 complete a driver education and training program modeled after
39 the motorcyclist safety program pursuant to Article 2
40 (commencing with Section 2930) of Chapter 5 of Division 2 of the

Vehicle Code which has reduced motorcycle fatalities 72 percent since the program's inception in 1987.

(t) To encourage drivers' safety and to help offset costs of driver safety instruction, insurance companies should be authorized premium tax credits equal to the amount that would otherwise be due on automobile insurance premium discounts.

SEC. 2. Section 1674.1 is added to the Vehicle Code, to read:

1674.1. (a) The department shall establish standards and develop criteria for the approval of driver improvement courses specifically designed for the safe driving needs of drivers who are 18 years of age or older, which shall be known as the adult driver improvement program.

(b) The curriculum for the courses under subdivision (a) shall include, but ~~is not~~ *not be* limited to, all of the following components:

(1) The driver education curriculum developed by the department pursuant to subdivision (f) of Section 12814.8.

(2) Behind-the-wheel, on-street, training of not less than eight hours of instruction that shall include accident avoidance training.

(c) The instruction described in subdivision (b) shall be taught by a driving school instructor licensed under Chapter 1 (commencing with Section 11100) of Division 5.

(d) In recognition that adults learn differently and have different needs associated with behind-the-wheel skill development than minors, the department, in consultation with ~~the Driving School Association of California~~ *representatives of driver education programs and any other appropriate groups*, shall develop training requirements to be completed by a driving school instructor prior to teaching adults the behind-the-wheel instruction described in paragraph (2) of subdivision (b).

(e) Upon completion of the adult driver improvement program, the driving school shall issue each applicant a certificate of completion furnished by the department. The certificate shall be bar-coded to identify the driving school and to facilitate studies of driving history. The applicant may provide the certificate to his or her insurer for an automobile insurance premium discount, if offered by the insurer.

(f) The certificate may be renewed every three years from the date of completion by completing a subsequent adult driver

1 improvement program of eight hours in duration which shall
2 include, but not be limited to, all of the following components:

3 (1) Six hours of classroom instruction that shall include all of
4 the following:

5 (A) A component examining driver attitude and motivation
6 that focuses on the reduction of future driving violations, with
7 particular emphasis on aggressive driving behavior and behavior
8 commonly known as “road rage.”

9 (B) A component examining driver distractions that cause
10 nearly 50 percent of all crashes, including, but not limited to,
11 cellular telephone use.

12 (C) A component examining the precautions to be taken during
13 inclement weather driving conditions including fog, rain, ice, hail,
14 and extreme wind.

15 (2) Two hours of accident avoidance behind-the-wheel
16 instruction.

17 (g) The department, in consultation with the Department of the
18 California Highway Patrol and ~~the Driving School Association of~~
19 ~~California~~ *representatives of driver education programs and any*
20 *other appropriate groups*, shall develop the classroom curriculum
21 and the behind-the-wheel instruction described in subdivision (f).

22 (h) If funding is available, the department shall investigate
23 claims of impropriety on the part of a driving school providing
24 instruction pursuant to this section and may withdraw the authority
25 of a driving school or a driving instructor to conduct any
26 instruction pursuant to subdivision (b), as determined by the
27 department, for just cause, including, but not limited to, furnishing
28 course completion certificates to program applicants prior to, or in
29 the absence of, completion of the classroom instruction or the
30 behind-the-wheel training described in subdivision (b).

31 SEC. 3. Section 11113 of the Vehicle Code is amended to read:

32 11113. (a) The director may prescribe rules and regulations
33 for driving schools regarding the conduct of courses of driver
34 education and driver training, including curriculum, facilities, and
35 equipment. The rules and regulations regarding curriculum shall
36 require both of the following:

37 (1) A component relating to the dangers involved in consuming
38 alcohol or drugs in connection with the operation of a motor
39 vehicle.

1 (2) A component examining driver attitude and motivation that
2 focuses on the reduction of future driving violations, with
3 particular emphasis on aggressive driving behavior and behavior
4 commonly known as “road rage.”

5 (b) The director may also prescribe rules and regulations for the
6 conduct of driving instructor training courses required by Sections
7 11102.5 and 11104, including curriculum, facilities, and
8 equipment. The department shall monitor instruction given by
9 driving schools.

10 (c) The department, in consultation with ~~the Driving School~~
11 ~~Association of California~~ *representatives of driver education*
12 *programs and any other appropriate groups*, shall develop
13 standards and criteria for a ~~driving~~ *driver* instructor training
14 program that is 60 hours in duration which shall include, but ~~is not~~
15 *not be* limited to, the following components:

16 (1) A classroom curriculum that is 40 hours in duration.

17 (2) An in-car, behind-the-wheel training component that is 20
18 hours in duration.

19 (d) The department shall authorize persons or organizations to
20 conduct the instructor training program described in subdivision
21 (c).

22 SEC. 4. No reimbursement is required by this act pursuant to
23 Section 6 of Article XIII B of the California Constitution because
24 the only costs that may be incurred by a local agency or school
25 district will be incurred because this act creates a new crime or
26 infraction, eliminates a crime or infraction, or changes the penalty
27 for a crime or infraction, within the meaning of Section 17556 of
28 the Government Code, or changes the definition of a crime within
29 the meaning of Section 6 of Article XIII B of the California
30 Constitution.

